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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 OCTAVIER CEDRIC BUSHNELL,

7 Plaintiff,

8 v.

9 MICHAEL J. ASTRUE, Commissioner of
10 Social Security,

11 Defendant.

Case No. 12-5249 RBL-KLS

REPORT AND RECOMMENDATION

12 This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C.
13 § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W.
14 v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for
15 remand. (ECF #12). After reviewing the parties' stipulated motion and the remaining record, the
16 undersigned recommends that the Court grant the parties' motion, and remand this matter
17 pursuant to sentence six of 42 U.S.C. § 405(g) to the Commissioner for further proceedings.

18 This Court recommends that on remand the Appeals Council will remand the matter to an
19 administrative law judge who shall afford the plaintiff a de novo hearing. This Court shall retain
20 jurisdiction over this action pending further administrative development of the record pursuant to
21 42 U.S.C. § 405(g).
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23 If the outcome is still unfavorable to Plaintiff, he may seek judicial review by reinstating
24 this case rather than by filing a new complaint.
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REPORT AND RECOMMENDATION - 1

1 Given the fact of the parties' stipulation, the Court recommends that the District Judge
2 immediately approve this Report and Recommendation and order the case **REVERSED** and
3 **REMANDED**. A proposed order accompanies this Report and Recommendation.

4 DATED this 22nd day of May, 2012.

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7 Karen L. Strombom
8 United States Magistrate Judge
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